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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before The Patent Office Board Of Appeals

APPLICANT: F. D. Oberhaus	GAU: 3637
SERIAL NO: 10/676,980	EXAMINER: S. L. Purol
FILED: October 3, 2003	St. Louis, Missouri
FOR: COMPONENTRY ASSEMBLED	Date: June 8, 2009
FREE-STANDING WIRE RACK	DN: 7349

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FURTHER SUBMISSION OF
CORRECTED SUMMARY OF CLAIMED SUBJECT MATTER
AND BRIEF UPON APPEAL

Sir:

Applicant herein submits pages 5 and 6, as further corrected, as directed by the Examiner in the Office Action dated May 28, 2009. Assuming that the Examiner's complaint is that the independent claim 14 does not have reference to the means plus function step, there is no means language contained in claim 14 of the appeal. Nevertheless, if the Examiner is stating that the function language has not been properly identified in the specification, then page

numbers and line numbers have been added to describe where the functional language of the claim can be found in the Specification, and drawings.

Hopefully, this satisfies the Examiner.

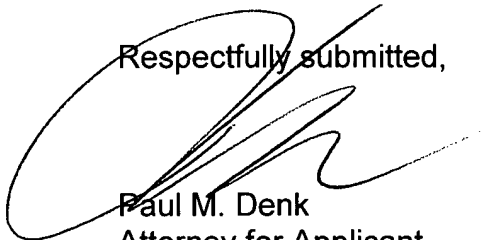
With regard to the Examiner's comment that Summary of the Claimed Subject Matter fails to comply with the requirements of arguing each independent claim separately, this is not understood. The Summary of the Claimed Subject Matter clearly sets forth the independent claim 14, as can be noted. It makes reference to the Specification by page and line numbers. This should be satisfactory under §41.37, identifying the contents of the Appeal Brief.

Where the applicant argues claim 14 in the Argument portion of the Brief, there is set forth an argument with respect to claim 14, and makes reference to parts numbers, as identified in the drawings, but there is nothing in the rules that describes that the Argument must also contain reference characters, or specification page and line numbers, as appears to be requested by the Examiner.

Applicant argues claim 14, as to its containing allowable subject matter, and claim 14 is the only independent claim that is set forth in the application that remains upon appeal.

The Examiner's further review of this matter would be appreciated.

Respectfully submitted,



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V. Summary of the Claimed Subject Matter

Claim 14:

This invention relates to a componentry assembled free standing wire rack 1 (p.6, l.3) which includes a pair of end frames 2 and 3 (p.6, l.4) with each end frame incorporating at least one cross rod 59 (p.6, l.14) which are arranged horizontally within the structure, with the cross rod of each end frame being fixed at the same relative height, horizontally across the end frame, which respect to each end frame provided in the wire rack. The reason for this is to provide horizontal support for the shelving 4 (p.6, l.12), with each shelving provided for inserting partially within the end frames, the same that each end of the wire rack, and for resting upon the horizontally disposed cross rods 5, as can be noted. This provides for shelving intermediate a pair of the spaced end frames, with each shelving upon insertion within the end frames being pressure biased downwardly within the end frames and resting upon their respective cross rods, when assembling the free standing wire rack (p.4, l.18 and p.6, l.5). Each end frame is also provided with spaced vertical rods, as at 7 (p.6, l.13) with the cross rods connecting integrally across the pair of vertical rods in the wire rack assembly. Said shelving is provided for forced contact and pressure fitting between the vertical rods within each end frame, to add further stability in the erection of the free standing wire rack, when assembled (see Fig. 4). This componentry assembled free stand wire rack is structured for just that purpose, to free stand upon the base or floor of any facility in which it is used.

Claim 4:

Furthermore, in order to attain that pressure fitting of the shelving between the pair of vertical rods in each end frame, each shelving is structured from a pair of shelf forming rods 16 and 17 (p.7, l. 27) with the pair of end rod at each end having a space therein between approximating or slightly greater than the thickness of each vertical rod, to provide for that pressure biasing of the shelving within each end frame when erected into a free stand wire rack.

Claims 5 thru 8:

Claims, such as claim 5, also defines at least one brace 10 (p.6, l. 20) that is diagonally arranged across the back of the assembled free standing wire rack, connecting with the pair of end frames 2 and 3 of the structured shown rack. And, as set forth in claims 7 and 8, there may be a pair of such diagonal braces, that cross each other at their approximate mid-point to furnish a secure interconnection of the rack together, when assembled (p.6, l.23, et al.).

Claim 10:

Claim 10 also defines the use of connecting sleeves 9 (p.6, l. 16) that are applied to the upper ends of the vertical rods 6 and 7, and to the downward ends of the upper rod 8 (p.6, l. 15), in the assembly of these free standing wire racks.

Claims 11 and 12:

Obviously, as can be noted, the shelving may be rectangular configured, as shown in FIG 1, or the shelving may be square in configuration, as shown in FIG 5.

Claim 13:

In addition, each of the shelvings has bent down portions along both its front and back edges, as can be noted for the lower longitudinal rod 20 (p.8 ,l.11) and the shown upper longitudinal rods 18 (p.8, l. 9), which adds stability to the structured shelf, as it is located within the assembled wire rack.

What is significant, to this invention, is what is described in claim 4, and that is where each of these shelving have their pair of end rods 16 and 17, as previously described, and as noted in FIG 4, that embrace their contiguous vertical rods of each end frame, as noted at 6 and 7, that adds stability to the structural assembly of this interconnection between the shelving, and the end frames, when assembled. This can be seen in FIG 4. This is also specifically set forth in claim 4.

This generally defines the structure of the componentry assembled free standing wire rack of this invention.